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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,814	12/20/2001	Azmi B. Osman	27006-0002	9480

7590 11/03/2003

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EXAMINER

VAN PELT, BRADLEY J

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/027,814

Applicant(s)

OSMAN, AZMI B.

Examiner

Bradley J Van Pelt

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 16, it is not clear to the office how the channels along the base are of a height which is less than their height in the region of reduced height.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "large radius" in claim 10 is a relative term, which renders the claim indefinite. The term "large radius" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 4, 5, 6, 10, 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Onozaki (JP 11-280548).

Onozaki discloses an oil pan for an engine comprising: a plurality of substantially parallel, spaced-apart reinforcement channels (see Fig. 3 bottom grooves) extending from adjacent a first end (23) of the oil pan to adjacent a second end (thinner area) of the oil pan, each channel having a base and two sides and an open top, the channels tapering downwardly from the first end and the second end towards an accumulation area (see fig. 1 flat circular portion 28) of the oil pan; wherein the reinforcement channels are substantially U-shaped; the second end of the oil pan has an end surface which is substantially planar; said end surface has no tool access pockets therein; wherein adjacent the second end and intermediate the width of the second end, the oil pan has a region (3) of reduced height, and wherein the region of reduced height having a planar portion into which the at least one reinforcing channel does not extend; wherein the taper is created by curving the channels with a large radius of curvature; wherein the oil pan has a main body, the main body having two side walls (21, 22), a first end wall (23), and a base (25), and wherein the accumulation area is integral with the base; the oil pan has a region of reduced height and the main body has a second end wall (20) which tapers into the region of reduced height; wherein there are no channels in the accumulation area; the channels extend up the first end wall but at a reducing height up the first end wall (see figs. 2 and 3 outline of channels extend up wall); wherein the channels along the base are of a height which is less than their height in the region of reduced height; wherein there are three channels.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Onozaki (JP 11-280548), as applied to claim 1, in view of Hofbauer et al. (USPN 4,296,716).

Onozaki discloses all of the instantly claimed invention except the reinforcement channels are V-shaped.

Hofbauer et al. show reinforcement channels that are V-shaped. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the channels in a V-shape, since Hofbauer et al. state at column 3, lines 43-48, that such a modification would ensure better cooling of the oil.

9. Claims 7-9, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onozaki (JP 11-280548), as applied to claim 1, in view of Takubo (USPN 4,770,276).

Onozaki does not disclose the planar portion is adapted to releasably receive thereon a horizontal portion of a substantially L-shaped cover plate; the cover plate has a substantially upright portion such that when the cover plate is mounted on the planar portion, the substantially upright portion is substantially coplanar with the end surface; wherein the substantially upright portion has a securing flange at an end thereof remote from the horizontal portion; a plurality of bolt holes are provided in each of the securing flange and the horizontal portion; wherein bolt holes are not provided in the upright portion.

Takubo discloses a planar portion is adapted to releasably receive thereon a horizontal portion (28) of a substantially L-shaped cover plate (27); the cover plate has a substantially upright portion (mid-portion) such that when the cover plate is mounted on the planar portion, the substantially upright portion is substantially coplanar with the end surface; wherein the substantially upright portion has a securing flange (30) at an end thereof remote from the horizontal portion; a plurality of bolt holes are provided in each of the securing flange and the horizontal portion; wherein bolt holes are not provided in the upright portion.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the oil pan of Onozaki with a cover plate for the purpose of reinforcing the mounting of the oil pan to the transmission.

#### ***Response to Arguments***

10. Applicant's arguments filed September 15, 2003 have been fully considered but they are not persuasive.

Applicant argues the term "large radius" is not indefinite. Large is clearly relative terminology; the applicant is relying on the specification to define the claims.

Applicant points out claim 6 is clarified by the specifications page 4, lines 9 and 10, and page 5 lines 16-18. Nothing pertaining to claim 6 is illustrated in these portions of the specification.

Applicant asserts and reiterates Onozaki does not disclose the channels tapering downwardly from the first end and the second end towards an accumulation area. However, Onozaki clearly shows this limitation in fig. 3, which shows the channels tapering downwardly from the first end and the second end towards an accumulation area. Furthermore, the applicant

makes a contradictory statement in paper no. 7, page 9, lines 19 and 20 by stating "Onozaki discloses...the channels tapering downwardly from the first end and the second end towards an accumulation area." Therefore, the applicant is in accord with the rejection that Onozaki anticipates this limitation.

***Conclusion***

**11. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

**12.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley J Van Pelt whose telephone number is 703.305.8176. The examiner can normally be reached on M-Th 7:00-4:30, 2nd F 7:00-3:30.

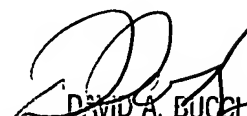
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on 703.308.3668. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.2168.

BJVP

 10/31/03  
DAVID A. BUCCI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600